

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DIESEL EBOOKS, LLC,

Plaintiff,

v.

APPLE, INC.; HACHETTE BOOK GROUP,  
INC.; HARPERCOLLINS PUBLISHERS,  
LLC; VERLAGSGRUPPE GEORG VON  
HOLTZBRINCK GMBH; HOLTZBRINCK  
PUBLISHERS, LLC d/b/a/ MACMILLAN;  
THE PENGUIN GROUP, A DIVISION OF  
PEARSON PLC; and SIMON & SCHUSTER,  
INC.,

Defendants.

CASE NO.: 14 Civ. 1768 (DLC)

**PLAINTIFF DIESEL EBOOKS, LLC'S  
NOTICE OF APPEAL**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT**, pursuant to Rule 3 of the Federal Rules of Appellate Procedure, Plaintiff Diesel eBooks, LLC hereby appeals as to all defendants (except Apple, Inc.) to the United States Court of Appeals for the Second Circuit from the Rule 54(b) Judgment filed on March 3, 2016 (Dkt. 245, attached hereto as Exhibit A), which was based on the District Court's Order on March 2, 2016 directing entry of judgment under Rule 54(b) of the Federal Rules of Civil Procedure (Dkt. 243, attached hereto as Exhibit B), and the District Court's Corrected Opinion and Order granting summary judgment dated February 10, 2016 (Dkt. No. 239, attached hereto as Exhibit C).

Dated: March 8, 2016

BLECHER COLLINS & PEPPERMAN, P.C.

By: /s/ Maxwell M. Blecher

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 8, 2016, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

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